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SAMSUNG ELECTRONICS CO., LTD.;
9 SAMSUNG SEMICONDUCTOR, INC.; and
SAMSUNG ELECTRONICS AMERICA, INC.
10

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

15 IN RE: TFT-LCD (FLAT PANEL)
16 ANTITRUST LITIGATION

Master File No. M:07-cv-01827-SI
MDL No. 1827

17 **[PROPOSED] ORDER GRANTING**
18 **INDIRECT PURCHASER**
19 **PLAINTIFFS' ADMINISTRATIVE**
MOTION TO SEAL DOCUMENTS
(re Zahid Decl. Ex. 109; Netz Decl. at p.
55, fn. 167; Netz Decl. Ex. 5)

20 This document relates to:

21 ALL INDIRECT PURCHASER ACTIONS
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Pursuant to Indirect Purchaser Plaintiffs' ("Plaintiffs") Administrative Motion to Seal Documents and Rule 79-5(d) of the Civil Local Rules of the Northern District of California ("Rule 79-5(d)"), Plaintiffs have lodged under seal certain documents submitted in connection with Plaintiffs' Motion for Class Certification. Pursuant to Rule 79-5(d), Defendants Samsung Semiconductor, Inc.; Samsung Electronics Co., Ltd.; and Samsung Electronics America, Inc. (collectively, "Samsung") submitted the declaration of the Vice President of Samsung Semiconductor, Inc., Kyung Whan Kim, requesting that certain materials containing confidential Samsung information remain under seal. The materials at issue are (1) Exhibit 109 to the Declaration of Judith A. Zahid In Support of Indirect Purchaser Plaintiffs' Motion for Class Certification, SAML-523034-523039, which the Court previously determined should remain under seal pursuant to an Order dated May 5, 2009; (2) the portion of page 55, footnote 167 of the Declaration of Janet S. Netz in support of Plaintiffs' Motion for Class Certification ("Netz Declaration") that discloses specific terms of Samsung's pricing agreements with two of its customers (specifically, the two bullet points appearing under "Samsung:"); and (3) the portion of Exhibit 5 to the Netz Declaration that discloses the monthly capacities of each of Samsung's TFT-LCD production lines (specifically, the nine numerical entries in the column "Capacity (sheets/month)" that pertain to Samsung).

After due consideration of the papers submitted and the arguments of counsel, the Court finds that the above materials contain proprietary and sensitive business information, and a substantial probability exists that Samsung would be competitively disadvantaged if the materials were publicly disclosed. Samsung's interests in maintaining the confidentiality of the above materials outweigh any public interest in accessing the document to evaluate the basis for any judicial action in this case. Samsung's interests will be prejudiced if these materials are not maintained under seal. The Court thus finds that Samsung has shown good cause and a compelling need to maintain these materials under seal. **IT IS THEREFORE ORDERED** that the above materials shall be kept under seal.

IT IS SO ORDERED.

DATED: _____



HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE

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